THE CORONERS ACT, 1871.

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ACT No. IV OF 1871.[1]

[THE CORONERS ACT, 1871.]

[*27th January 1871.*]

Repealed in part, by Act 9 of 1871;
" " " " " 10 of 1873;
" " " " " 12 of 1873;
" " " " " 16 of 1874;
" " " " " 12 of 1891.
Repealed in part and amended, by Act 10 of 1881;
" " " " " " " 4 of 1908.
Amended by Act 5 of 1889;
" " " 38 of 1920;
" " Bom. 13 of 1930.
Adapted and modified by the adaptation of Indian Laws Order in Council.
Amended by Bom. 6 of 1947.
Amended by Bom. 16 of 1948.
Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

An Act to consolidate and amend the laws relating to Coroners.

WHEREAS it is expedient to consolidate and amend the laws relating to Coroners in the Presidency-towns; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Coroners Act, 1871. Short title.

2* * * * * *

2. [*Repeal of enactments.*] *Rep. Act XII of 1873.*

CHAPTER II.

APPOINTMENT OF CORONERS.

[3. [4](*1*) Within the local limits of the ordinary original civil jurisdiction of each of the High Courts of Judicature at Fort William and Bombay there shall be a Coroner. Such Coroners shall be called respectively the Coroner of Calcutta and the Coroner of Bombay.] Coroners of Calcutta and Bombay.

[5][(*2*) The Provincial Government may, from time to time, direct that there shall be one or more Additional Coroners within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Bombay. Every such Additional Coroner shall be competent to exercise and perform all the powers and duties conferred upon or assigned to the Coroner of Bombay by or under this Act or any other law for the time being in force.]

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[1] For Statement of Objects and Reasons, *see Gazette of India*, 1870, Pt. V, p. 295; for Preliminary Report of the Select Committee, *see ibid*, *p.* 351; and for Proceedings in Council, *see ibid* Supplement, pp. 1077, 1195, 1298; and *ibid*, 1871, pp. 198 and 207.

[2] The local extent and commencement clauses of this section were repealed, respectively, by section 2, of the Coroners Act, 1881 (10 of 1881), and by the Repealing Act, 1874 (16 of 1874).

[3] This section was constituted by Act 5 of 1889, s. 2.

[4] Section 3 was renumbered as sub-section (*1*) of that section by s. 2 of the Coroners (Bombay Amendment) Act, 1948 (Bom. 16 of 1948.)

[5] Sub-section (*2*) was inserted, *ibid*.

Their appointment, suspension and removal.

4. Every such officer shall be appointed and may be suspended or removed by the [1][Provincial Government]. [2]* * * * * *.

Power of Coroner of Bombay to distribute work between himself and Additional Coroners.

[3][4A. When one or more Additional Coroners are appointed, the Coroner of Bombay shall make such arrangements as he thinks fit for distribution of the work of the Coroner under the Act between himself and the Additional Coroners.]

Coroners to be public servants.

5. Every Coroner shall be deemed a public servant within the meaning of the Indian Penal Code. XLV of 1860.

Power to hold other offices.

6. Any Coroner may hold simultaneously any other office under Government.

7. [*Oath to be taken by Coroner.*] *Rep. Act X of 1873.*

CHAPTER III.

DUTIES AND POWERS OF CORONERS.

Jurisdiction to inquire into death.

[4]8. (*1*) When the Coroner is informed that the dead body of a person is lying within his jurisdiction and there is reasonable cause to suspect that such person has died under any of the circumstances mentioned in section 9 or has died a sudden death of which the cause is unknown, the Coroner may proceed to hold a preliminary inquiry on the body, without a jury.

(*2*) For the purpose of an inquiry under sub-section (*1*) the Coroner shall, as soon as practicable, after receipt of the information proceed to view and examine the body. Such view and examination shall be held in the presence of the police officer to whose section the case belongs and, if possible, in the presence of the relations or friends, if any, of the deceased and the Coroner may reduce to writing such observations as the appearance of the body requires. When the inquiry is concluded if the Coroner is satisfied as to the cause of death and if a *post-mortem* examination is in his opinion not necessary, the Coroner may authorise the body to be disposed of.

Inquest by jury.

[4]9. (*1*) If it appears to the Coroner, either before or in the course of an inquiry under section 8, that there is reason to suspect—

(*a*) that the deceased came by his death by homicide, suicide or infanticide ; or

(*b*) that the death was caused by an accident, or poison, or machinery ; or

(*c*) that the death was caused by an occurrence arising out of the use of a vehicle in a street, public road or in a private place ; or

(*d*) that the death occurred in a prison in which the deceased was a prisoner or that it occurred whilst the deceased was in the custody of the police ; or

(*e*) that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public ;

and in any other case, if it appears to the Coroner either before or in the course of the preliminary inquiry that there is reason for holding an inquest by jury, he

[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Every person now holding such office shall be deemed to have been appointed under the Act" were repealed by the Repealing and Amending Act, 1891 (12 of 1891).

[3] Section 4A was inserted by s. 3 of the Coroners (Bombay Amendment) Act, 1948 (Bom. 16 of 1948).

[4] Sections 8 to 20 were substituted for the original sections 8 to 20 by section 2 of Bom. 13 of 1930.

shall proceed to hold such inquest, whether or not the cause of death arose within his jurisdiction :

Bom. VI of 1947. [1][Provided that such inquest shall not be held in the case of death arising out of an offence triable under the Bombay Public Security Measures Act, 1947.]

(*2*) Such inquest shall ordinarily be held in the Coroner's Court-house.

(*3*) The Coroner may hold one inquest on the bodies of several persons provided that they all are believed to have come by their deaths, in or in consequence of one and the same incident.

XLV of 1860. V of 1898. (*4*) Every such inquest shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code and for the purpose of any such inquest the Coroner shall have and may exercise all the powers of a criminal court under section 476 and section 480 of the Code of Criminal Procedure, 1898.

(*5*) The Coroner may hold an inquest by jury simultaneously with the preliminary inquiry.

Report to Coroner when prisoner or person in police custody dies.

[2]**10.** (*1*) When a person dies in a prison situate within the local limits of the Coroner's jurisdiction or whilst he is in the custody of the police the Superintendent of the prison or the police officer in charge of the section concerned, as the case may be, shall report the death to the Coroner and await his orders before the body is disposed of.

(*2*) Any Superintendent of Prison or any such police officer who fails to comply with the requirement in sub-section (*1*) shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.

Penalty for disposal of body to prevent an inquest.

[2]**11.** (*1*) Any person who, with the intention of preventing the holding of an inquest on a dead body which the Coroner is bound to hold under section 9, buries, cremates or otherwise disposes of it, and any person who with such intention abets such burial, cremation or disposal of a dead body shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.

XLV of 1860. (*2*) Such punishment shall be in addition to the punishment to which such person may be liable for any offence of which he may be found guilty in respect of the death of the deceased or under section 201 of the Indian Penal Code.

Power to order body to be disinterred.

[2]**12.** A Coroner may order a body to be disinterred within a reasonable time after the death of the deceased person, either for the purpose of taking an original inquisition where none has been taken, or a further inquisition where further inquisition is, in the opinion of the Coroner, necessary or desirable in the interests of justice.

Summoning jury.

[2]**13.** In order to the impanelling of a jury for an inquest under section 9 the Coroner shall summon not less than five nor more than eleven respectable persons to appear before him at a time and place to be specified in the summons for the purpose of inquiring where, when and by what means the deceased came by his death.

Opening Court. Jurors to be sworn.

[2]**14.** (*1*) On the day and at the hour fixed for the inquest the Coroner shall proceed to open his court by proclamation and shall call over the names of the jurors on whom summonses under section 13 have been duly served. If not less than five jurors are in attendance the Coroner shall administer an oath to each juror to give a true verdict according to the evidence.

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[1] This proviso was substituted by s. 26 of Bom. 6 of 1947 for the proviso added by Bom. 25 of 1942.

[2] Sections 8 to 20 were substituted for original sections 8 to 20 by section 2 of Bom. 13 of 1930.

(*2*) If the number of jurors in attendance is less than five, or, if in the course of an inquest at any time before the return of the verdict a juror is absent and it is not practicable to enforce his immediate attendance, the Coroner may appoint such number of persons as may be necessary to serve as jurors in the inquest.

Inquest may be on Sunday or public holiday.

[1]**14A.** An inquest under this Act or its adjourned hearing under section 21 may be held on a Sunday or a public holiday.

View of body

[1]**15.** At or before the first sitting of an inquest on a body the Coroner shall view the body and if before the body has been disposed of, a majority of the jurors so desire, it shall be viewed by the jurors also :

Provided that when a preliminary inquiry on the body has been held under section 8, or if from the medical evidence or from a medical certificate, the Coroner is satisfied that no advantage will result from such viewing, the Coroner may dispense with a view of the body at the inquest.

Proclamation for witnesses.

[1]**16.** The Coroner shall then make proclamation for the attendance of witnesses, or, where the inquiry is conducted in secret, shall call in separately such as know anything concerning the death.

Summoning witnesses.

[1]**17.** (*1*) It shall be the duty of all persons acquainted with the circumstances attending the death to appear before the inquest as witnesses. The Coroner shall inquire of such circumstances and the cause of death, and if before or during the inquiry he is informed that any person, whether within or without the local limits of his jurisdiction, can give evidence or produce any document material thereto, may issue a summons requiring him to attend and give evidence or produce such document on the inquest.

(*2*) When any person so summoned fails to appear and the summons has been proved to be duly served on him in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure, the Coroner may, after recording his reasons in writing, issue a warrant for his arrest. Such warrant shall be executed as if it were issued under section 90 of the Code of Criminal Procedure, 1898. V of 1898.

(*3*) Any person disobeying a summons issued under sub-section (*1*) shall be deemed to have committed an offence under section 174, section 175 or section 176 of the Indian Penal Code, as the case may be. XLV of 1860.

(*4*) For the purpose of causing prisoners to be brought up to give evidence the Coroner shall be deemed a criminal court within the meaning of Part IX of the Prisoners' Act, 1900. III of 1900.

Post-mortem examinations. Fees to medical witnesses. Report of Chemical Examiner.

[1]**18.** (*1*) If before proceeding to view a body under section 8 or at the view or at any stage of an inquest by jury, it appears to the Coroner that a *post-mortem* examination of the body is necessary to ascertain the cause of death, he may direct such examination to be held by his Surgeon or by a duly qualified registered medical practitioner invited to attend as a witness. The Coroner may also direct an analysis of any of the organs or parts of the body or of their contents. Every medical witness other than the Chemical Examiner to Government and the Coroner's Surgeon shall be entitled to such reasonable remuneration as the Coroner thinks fit. For the purpose of such *post-mortem* examination the Coroner may order the removal of the body to any place within his jurisdiction which may be provided for that purpose.

(*2*) Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination, or analysis and report in the course of any

[1] Sections 8 to 20 were substituted for original sections 8 to 20 by section 2 of Bom. 13 of 1930.

proceeding under this Act, may be used as evidence in any inquest under this Act and in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898. V of 1898.

Evidence to be on oath. Evidence on behalf of accused. Interpreter.

[1]**19.** (*1*) All evidence given under this Act shall, except in the case provided in sub-section (*2*), be on oath and the Coroner shall be bound to receive the evidence on behalf of the person who is alleged to have caused or to be concerned in causing the death of the deceased person.

(*2*) If such person himself wishes to make a statement it shall be the duty of the Coroner to warn him that he is not bound to make any statement; but if such person persists, the Coroner shall, without administering him any oath, record his statement in full after duly warning him that any incriminating statement which he may make may be used in evidence in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898. V of 1898.

(*3*) For the purpose of section 26 of Indian Evidence Act, 1872, a Coroner shall be deemed to be a Magistrate. I of 1872.

(*4*) Witnesses unacquainted with the English language shall be examined through the medium of an interpreter, who shall be sworn to interpret truly as well the oath as the question put to, and the answer given by each witness.

(*5*) After each witness has been examined, the Coroner shall enquire whether the jury wish any further questions to be put to the witness, and if the jury wish that any such questions shall be put the Coroner shall put them accordingly.

Mode of recording evidence.

[1]**20.** (*1*) The evidence given to the jury shall be recorded in the manner prescribed in section 356 of the Code of Criminal Procedure, 1898. V of 1898.

(*2*) For the purpose of this section the Coroner shall be deemed to be a Magistrate.

Adjournment of inquest. Jurors' recognizances.

21. The Coroner may adjourn the inquest from time to time, and from place to place.

Whenever the inquest is adjourned the Coroner shall take the recognizances of the jurors to attend at the time and place appointed, and notify to the witnesses when and where the inquest will be proceeded with.

The amount of such recognizances shall in each case be fixed by the Coroner [2][and the whole, or such part thereof as to the Coroner seems fit, shall, in default of attendance by the jurors, be recoverable in the same manner as a fine imposed under section 31.]

Inquest to be adjourned if criminal proceedings have been instituted before a Magistrate.

[3]**21A.** (*1*) If on an inquest touching a death, the Coroner is informed, before the jury have given their verdict, that criminal proceedings have been instituted against some person before a Magistrate in respect of an offence touching the death of the deceased, he may adjourn the inquest until after the conclusion of the cri minal proceedings and may, if he thinks fit, discharge the jury.

(*2*) After the conclusion of the criminal proceedings which it shall be the duty of the police to communicate to the Coroner, the Coroner may, subject as hereinafter provided, if he thinks fit, resume the adjourned inquest:

Provided that at such resumed inquest no inquisition shall be held against any person in respect of any offence with which he was charged or of which he could have been convicted in the proceedings referred to in sub-section (*1*), and no finding shall be recorded which is inconsistent with the determination of any matter by the result of those proceedings.

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[1] Sections 8 to 20 were substituted for the original sections 8 to 20 by s. 2 of Bom. 13 of 1930.
[2] These words were added by s. 7 of the Coroners (Amendment) Act, 1908 (4 of 1908).
[3] Section 21-A was inserted by s. 3 of Bom. 13 of 1930.

(*3*) Where the Coroner resumes an inquest which has been adjourned and the jury has been discharged, he shall proceed in all respects as if the inquest had not previously been begun and the provisions of this Act shall apply accordingly as if the resumed inquest were a fresh inquest, except that it shall not be obligatory on the Coroner to view the body.

(*4*) If, having regard to the result of the criminal proceedings, the Coroner decides not to resume the inquest, he shall furnish the Commissioner of Police with a certificate stating the result of the criminal proceedings and any particulars necessary for the registration of the death which may have been ascertained.

(*5*) For the purposes of this section, the expression "the criminal proceedings" means the proceedings before a Magistrate and before any court to which the accused person is committed for trial or before which an appeal from theconviction of that person is heard, and criminal proceedings shall not be deemed tobe concluded until no further appeal can be made in the course thereof.

Coroner to sum up to jury.

22. When all the witnesses have been examined, the Coroner shall sum up the evidence to the jury, and the jury shall then consider of their verdict.

Coroner to draw up inquisition.

23. When the verdict is delivered the Coroner shall draw up the inquisition according to the finding of the jury, or, when the jury is not unanimous, according to the opinion of the majority.

Contents of inquisition.

24. Every inquisition under this Act shall be signed by the Coroner with his name and style of office and by the jurors, and shall set forth—

(*1*) where, when and before whom the inquisition is holden,
(*2*) who the deceased is,
(*3*) where his body lies,
(*4*) the names of the jurors, and that they present the inquisition upon oath,
(*5*) where, when and by what means the deceased came by his death, and
(*6*) if his death was occasioned by the criminal act of another, who is guilty thereof.

If the name of the deceased be unknown, he may be described as a certain person to the jurors unknown.

Every such inquisition shall be in the form set forth in the second Schedule hereto annexed, with such variation as the circumstances of each case require.

Procedure where death is found due to an act amounting to an offence.

[1][**25.** When the jury or a majority of the jury find that the death of the deceased person was occasioned by an act which amounts to an offence under any law in force in [2][the Provinces] the Coroner shall immediately after the inquest forward a copy of the inquisition, together with the names and addresses of the witnesses, to the Commissioner of Police.]

Power to arrest and commit for trial.

[3][**26.** The Coroner may also, where the verdict justifies him in so doing, issue his warrant for the apprehension of the person who is found to have caused the death of the deceased person, and send him forthwith to a Magistrate empowered to commit him for trial.]

27. [*Power to accept bail.*] *Rep. Act IV of 1908, s. 10.*

Warrant for burial.

28. When the proceedings are closed, or before, if it be necessary to adjourn the inquest, the Coroner shall give his warrant for the [4][disposal] of the body on which the inquest has been taken.

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[1] Section 25 was substituted by s. 8 of the Coroners (Amendment) Act, 1908 (4 of 1908).
[2] The words "the Provinces" were substituted for the words "British India" by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
[3] Section 26 was substituted by s. 9 of Act 4 of 1908.
[4] This word was substituted for the word "burial" by s. 11, *ibid.*

29. No inquisition found upon or by any inquest shall be quashed for any technical defect. Inquisitions not to be quashed for want of form.

In any case of technical defect, a Judge of the High Court may, if he thinks fit, order the inquisition to be amended, and the same shall forthwith be amended accordingly. Amendment of inquisition.

30. It shall no longer be the duty of the Coroner to inquire whether any person dying by his own act was or was not *felo de se*, to inquire of treasure trove or wrecks, to seize any fugitive's goods, to execute process or to exercise as Coroner any jurisdiction not expressly conferred by this Act. Cessation of jurisdiction as to treasure trove, wrecks, etc.

A *felo de se* shall not forfeit his goods. *Felo de se.*

Deodands are hereby abolished. Deodands.

CHAPTER IV.

CORONERS' JURIES.

[1]31. (*1*) The Coroner shall prepare and from time to time revise a list of sufficient number of persons of good character and adequate education, liable to serve as jurors in his Court. List of Jurors. Fine on juror neglecting to attend.

(*2*) All male persons between the ages of twenty-one and sixty whose names are not in the Common Jury list of the High Court, shall, subject to the exemption mentioned in section 320 of the Code of Criminal Procedure, 1898, be liable to serve as jurors in the Coroner's Court. V of 1898.

(*3*) Whenever any person has been duly summoned to appear as a juror by a Coroner, and fails or neglects to attend at the time and place specified in the summons, the Coroner may cause him to be openly called in his Court three times to appear and serve as a juror, and upon the non-appearance of such person, and proof that such summons has been served upon him or left at his usual place of abode, may impose such fine upon the defaulter, not exceeding fifty rupees, as to the Coroner seems fit :

Provided that the Coroner may, in his discretion, remit any fine so imposed.

32. The Coroner shall make out and sign a certificate, containing the name and surname, the residence and trade or calling of every person so making default, together with the amount of the fine so imposed, and the cause of such fine, Certificate as to defaulting juror.

and shall send such certificate to one of the Magistrates of the place of which he is the Coroner,

and shall cause a copy of such certificate to be served upon the person so fined by having it left at his usual place of residence, or by sending the same through the Post Office, addressed as aforesaid and registered. Service of copy of certificate.

33. Thereupon such Magistrate shall cause the fine to be levied in the same manner as if it had been imposed by himself. Levy of fine.

34. Unless in case of necessity, no person who has appeared, or has been summoned to appear, as a juror on an inquest, and has not made default shall within one year after such appearance or summons, be summoned to appear as a juror under this Act. Jurors not to be summoned twice within the year.

35. When an inquest is held on the body of a prisoner dying within a prison, no officer of the prison and no prisoner confined therein shall be a juror on such inquest. Jurors on inquest on prisoner.

[1] Section 31 was substituted by section 4 of Bom. 13 of 1930.

CHAPTER V.

RIGHTS AND LIABILITIES OF CORONERS.

Coroner's salary.

36. Every Coroner shall be entitled to such salary for the performance of the duty of his office as is prescribed in that behalf by the [1][Provincial Government].

Disbursements to be repaid.

37. All disbursements duly made by a Coroner for fees to medical witnesses hire of rooms for the jury, and the like, shall be repaid to him by the [1][Provincial Government].

Power to appoint deputy.

38. Every Coroner may from time to time, with the previous sanction of the [1][Provincial Government], appoint, by writing under his hand, a proper person to act for him as his deputy in the holding of inquests [2]* * * * *

All inquests taken and other acts done by any such deputy, under or by virtue of any such appointment, shall be deemed to be the acts of the Coroner appointing him:

Provided that no such deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause.

Revocation of appointment.

Every such appointment may at any time be cancelled and revoked by the Coroner by whom it was made.

Exemption from serving on juries.

39. No Coroner or Deputy Coroner shall be liable to serve as a juror.

Privilege from arrest.

40. Coroners and Deputy Coroners shall be privileged from arrest while engaged in the discharge of their official duty.

Penalty for failure to comply with Act.

41. Any Coroner or Deputy Coroner failing to comply with the provisions of this Act, or otherwise misconducting himself in the execution of his office, shall be liable to such fine as the Chief Justice of the High Court, upon summary examination and proof of the failure or misconduct, thinks fit to impose.

Limitation of suits.

42. No proceeding for anything done under this Act, or for any failure to comply with its provisions, shall be commenced or prosecuted [3]* * * * * after tender of sufficient amends.

FIRST SCHEDULE.

[ENACTMENTS REPEALED.]

Rep. Act XII of 1873.

[4]SECOND SCHEDULE.

Form of Inquisition.

(*See* section 24.)

An inquisition taken at on the day of 19 before E F, Coroner of (in the case of A B, deceased) upon the oath of G H, I J, K L and M N, then and there duly sworn and charged to enquire when, how and by what means the said A B came to his death.

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[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "and such deputy shall take and subscribe, before one of the Judges of the High Court, an oath that he will faithfully discharge the duties of office" were repealed by the Indian Oaths Act, 1873 (18 of 1873).

[3] The words "after the expiration of three months from such fact or failure nor" were repealed by the Indian Limitation Act, 1871 (9 of 1871).

[4] The Second Schedule was substituted for the original by section 5 of Bom. 13 of 1930.

We the said jurors, find unanimously that the death of the said A B was caused, on or about the day of 19 , by

1.	Cases of homicide ...	a blow on the head with a stick inflicted on him by CD under such circumstances that the act of CD was justifiable (or accidental) homicide. a stab on the heart with a knife inflicted on him by CD under such circumstances that the act of CD was culpable homicide not amounting to murder.
2.	Cases of suicide ...	shooting himself through the head with a pistol. Drowning himself in a tank, river or sea. Opium-arsenic, which he voluntarily administered to himself. Cutting his throat with a razor or any sharp instrument.
3.	Cases of infanticide ...	strangling to death a newly-born child by its mother. by exposure caused by C D with the knowledge that it would necessarily result in the death of A B, a newly born child.
4.	Cases of accident ...	falling out of a boat into any river, whereby he was drowned. a kick from a horse which fractured his skull and ruptured blood-vessels in his head.
5.	Cases of poisoning ...	opium or arsenic which was administered to the said A B by C D with the intention of killing him.
6.	Cases of death caused by machinery.	while working in a mill or a workshop being caught in moving machinery.
7.	Cases of death arising out of the use of a vehicle.	the wheel of a motor car or a heavy cart which was negligently driven by C D passing over his chest and causing death.
8.	Cases of death from any other cause.	disease of the heart. apoplexy. sunstroke or any other disease.

And so say the jurors upon their oath aforesaid.

Witness our hands. *E F, Coroner of*

G H, I J, K L, M N, O P (jurors).